



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,309	11/12/1998	DANIEL R. SCHNEIDEWEND	RCA89.041	6495

7590

07/14/2005

JOSEPH S TRIPOLI
PATENT OPERATIONS GE AND RCA
LICENSING MANAGEMENT OPERATION INC
PO BOX 5312
PRINCETON, NJ 085435312

EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/190,309	Applicant(s) SCHNEIDEWEND ET AL.	
	Examiner Jason P. Salce	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/2004 has been entered.

In view of the references cited by the applicant, the examiner has discovered a new grounds of rejection in view of the ATSC standard dated December 23, 1997 and the Roop reference discovered by the examiner.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/3/2004 was filed after the mailing date of the Allowance on 6/3/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roop et al. (U.S. Patent No. 5,619,274) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC document).

Referring to claim 1, Roop discloses a video decoder system (see Figure 5) for receiving a plurality of programs from corresponding program sources (see multiple sources of programs in Figure 3 and Column 9, Lines 23-31).

Roop also discloses an electronic program guide (EPG) means including a processor and stored program schedule (see Column 17, Line 1 and Column 16, Lines 61-62, respectively), said EPG means operable by a user to select a program from said plurality of programs and to select a program processing function for said selected program (see Column 14, Line 49 – Column 15, Line 7).

Roop also discloses a tuner operable by said processor to tune said video decoder (see Column 42, Lines 46-53 for a command containing information to tune a TV to a desired channel) to receive packetized information for said user selected program (see Column 9, Lines 39-53 for receiving packets that contain messages and command which describe and control the program schedule and various receiver functions), including current time reference information from a corresponding program source (see Column 39, Lines 27-67 for receiving a current time command).

Roop also discloses a first time-of-day clock for timing said tuning in accordance with said stored program schedule (see again Column 39, Lines 27-67 for providing the receiver with a current time of day, therefore the system is provided a first time-of-day clock to tune a video program (see Column 42, Lines 46-53 for tuning a video program)).

Roop also discloses that the processor is programmed to provide a second time-of-day clock based on said received current time information (see Column 40, Lines 18-32 and Column 41, Lines 1-23 for providing daylight savings time, which is used to correct the current time in the event that a daylight savings time needs to be invoked, therefore the new time, provided by the daylight savings time is based on the current time).

Roop also discloses that the processor initiates said user selected processing function based up said second time-of-day clock (the examiner notes that if daylight savings time has been corrected, when the user tunes to a new channel, then the user selected processing function would inherently be based on the corrected time).

Roop fails to teach an MPEG compliant data stream with an SST and EIT table.

The ATSC document teaches that a current time reference information comprises a System Time Table (SST) data of an MPEG compliant data stream (see Pages 1 and 11-12), and wherein said stored program schedule is derived from an Event Information Table (EIT) of an MPEG compliant data stream (see Pages 1 and 11-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data transmitted from the servers in packetized form, as taught by Roop, to adhere to the MPEG standard with STT and EIT tables, for the purpose of providing a collection of hierarchically arranged tables for describing system information and program guide data (see Page 11, Lines 1-2 of the ATSC document).

Claim 2 corresponds to claim 1, where Roop discloses that the current time reference information provides a current time-of-day indication (see Column 39, Table IX for the "Time" field).

Claim 3 corresponds to claim 1, where Roop discloses a display for displaying a current time-of-day to a user (see Column 39, Table IX for the "default time offset" field and Column 40, lines 19-22).

Roop also discloses that said second time clock providing an output for updating said displaying current time based upon said current time reference information (see Column 40, Lines 19-32 and Table X).

Roop also discloses a filter for filtering said output such that any discontinuity in the current time reference information is prevented (see the Daylight Savings Time Change Command in Column 39 and note that automatically changing the current time according to the corrected Daylight Savings time prevents any possible discontinuity), and providing said filtered output to said display (see Column 40, Lines 19-22).

Claim 4 corresponds to claim 1, where Roop discloses displaying as a user selected processing function (see Column 40, Lines 50-67 and Column 41, Lines 1-25).

Claim 5 corresponds to claim 4, where Roop discloses program transmission (see Column 9, lines 23-31).

Claim 6 corresponds to claim 1, where Roop discloses that a processor terminates a selected program processing function based upon said second time-of-day clock (see Column 14, Lines 44-52 for terminating a record function according to it's stop time, therefore if a Daylight Savings time correction occurs and a stop time is detected, the program recording will be terminated at the proper time, therefore the terminated processing function would be based on the second time-of-day).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roop et al. (U.S. Patent No. 5,619,274) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC document) in further view of .

Claim 7 corresponds to claim 1, where the ATSC document discloses that the STT data includes a time reference indicator (see Page 14) and associated correction data (see Page 46) sufficient to establish a time of transmission by said corresponding broadcast source (the time the program will air).

Roop and the ATSC document fail to teach that the time of transmission is correct to within about plus or minus 4 seconds.

Landis also discloses a television receiver that is capable of receiving a time correction command, which is accurate to within seconds, therefore teaching accurate to within about plus or minus 4 seconds (see Column 3, Lines 1-7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television receiver, as taught by Roop and the ATSC document, using the enhanced television receiver that receives a time correction command, as taught by Landis, for the purpose of maintaining accurate time (see Column 6, Lines 6-8 of Landis).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

Application/Control Number: 09/190,309

Page 8

Art Unit: 2614

July 8, 2005

Jason L. Baker